

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

CREDIT SUISSE FIRST BOSTON MORTGAGE  
SECURITIES CORP.; MORTGAGE ASSET  
SECURITIZATION TRANSACTIONS, INC.; DLJ  
MORTGAGE CAPITAL, INC.; UBS REAL ESTATE  
SECURITIES INC.; CREDIT SUISSE SECURITIES  
(USA) LLC; UBS SECURITIES LLC; LEE FARKAS;  
PAUL R. ALLEN; RAY BOWMAN; DELTON  
DE'ARMAS; DESIREE E. BROWN; ANDREW A.  
KIMURA; JEFFREY A. ALTABEF; EVELYN  
ECHEVARRIA; MICHAEL A. MARRIOTT;  
THOMAS ZINGALLI; DAVID MARTIN; PER  
DYRVIK; HUGH CORCORAN; and PETER  
SLAGOWITZ,

Defendants.

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Civil Action No. 3:11-30048-MAP

**STIPULATION CONCERNING APPLICATION OF THE COURT'S RULING ON  
MASSMUTUAL'S PENDING MOTION TO STRIKE  
CERTAIN PURPORTED DEFENSES TO THE ANSWER FILED MAY 31, 2012**

In light of Defendants' filing of an answer to the First Amended Complaint (the "May 31 Answer") on May 31, 2012, Plaintiff Massachusetts Mutual Life Insurance Company ("MassMutual") and Defendants Credit Suisse Securities (USA) LLC and Jeffrey A. Altabef (together, "Defendants" and, collectively with MassMutual, the "Parties") hereby stipulate and agree, as set forth below, that the Court's ruling on MassMutual's pending Motion to Strike Certain Purported Defenses shall apply fully to Defendants' May 31 Answer and the defenses and affirmative defenses asserted therein.

MassMutual commenced this action by filing a complaint (the "Complaint") in the United States District Court for the District of Massachusetts against Defendants, among others. On April 25, 2012, after meeting and conferring with MassMutual, Defendant Credit Suisse Securities (USA) LLC filed an amended answer (the "April 25 Answer") to the Complaint. On May 9, 2012, MassMutual filed a Motion to Strike Certain Purported Defenses (the "Motion") set forth in the April 25 Answer.

On May 17, 2012, after the Motion was filed, the Court granted MassMutual leave to file its First Amended Complaint, which included additional allegations clarifying Jeffrey A. Altabef's control over Credit Suisse Securities (USA) LLC and reasserted a control person claim under Mass. Gen. Laws ch. 110A, § 410(b) against Altabef.

Defendants' May 31 Answer to the First Amended Complaint asserts substantially identical defenses and affirmative defenses to those asserted in the April 25 Answer. Thus, having conferred, MassMutual and Defendants stipulate and agree, subject to the approval of the Court, that any ruling on the Motion will apply to the May 31 Answer.

WHEREFORE, the Parties respectfully request that this Court:

1. Enter an Order per the terms stipulated to by the Parties, as set forth herein.
2. Grant such further relief as may be just and proper.

DATED: June 20, 2012

Respectfully submitted,

*/s/ Edward J. McDonough Jr.*

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*/s/ Jonathan Sablone*

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*Counsel for Defendants Credit Suisse  
Securities (USA) LLC and Jeffrey A. Altabef*

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 20th day of June, 2012.

*/s/ Edward J. McDonough Jr.*

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Edward J. McDonough Jr.